

ISSUE DATE: July 14, 1998

DOCKET NO. P-999/M-97-506

ORDER GRANTING AREA CODE NUMBERING RELIEF AND SUPPLEMENTING
PREVIOUS ORDER

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Edward A. Garvey
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Marshall Johnson
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Gregory Scott

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Relief Plan for the Exhaust of
the 612 Area Code

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PROCEDURAL HISTORY

On November 13, 1997, the Commission issued its ORDER ESTABLISHING AREA CODE RELIEF PLAN, SETTING POLICIES FOR NUMBER CONSERVATION, AND ESTABLISHING TASK FORCE in the above-captioned docket. In that Order, the Commission chose a two-step, East-West geographic split of the present (612) area code, with assignment of a new area code to the eastern side of the boundary, to forestall the approaching exhaust of available telephone prefixes. The area code relief plan was developed further in the Commission's January 26, 1998 Order after reconsideration.

On April 15, 1998, the Commission issued its ORDER REAFFIRMING PREVIOUS ORDERS, AND APPROVING IMPLEMENTATION PLAN AND CUSTOMER EDUCATION PLAN. In that Order, the Commission addressed a request by Aerial Communications, Inc. (Aerial), a wireless provider, for emergency prefix allocation relief. The Commission stated that it will consider requests for emergency prefix allocation relief on a case by case basis, and directed the Numbering Plan Administrator to forward such requests to the Commission.

On May 15, 1998, the Commission granted Aerial's request for prefix allocation relief in an ORDER GRANTING AREA CODE NUMBERING RELIEF. The Commission noted that wireless providers, in contrast to landline providers--whose wire centers are connected to specific geographic locations--can use their mobile switches to serve customers regardless of location. The Commission therefore concluded that all wireless providers such as Aerial should be allowed to obtain prefixes on a prospective basis within either the (612) or the (651) area code, according to customer demand--regardless of the location of the mobile switch. The Commission also allowed Aerial to retain in the (612) area code some or all of the central office codes it was currently using.

On June 4, 1998, the Commission issued its ORDER REQUIRING PARTIES TO FILE INFORMATION IN RESPONSE TO AUDIT RECOMMENDATIONS. The Order noted that the Department of Public Service (the Department) had sent interrogatories to each of the 21 local exchange companies, competitive local exchange companies, cellular and paging companies currently assigned a prefix in the (612) area code. In order to construct a prefix audit, the Department had asked each company to provide information on prefix assignments and prefix and number usage. The Department reported that five companies, including MEANS, had failed to respond to the Department information requests. The Commission therefore ordered the five

companies, including MEANS, to respond to the Department interrogatories.

On June 5, 1998, AT&T Wireless, Inc. (AT&T Wireless) and McCaw RCC of the Midwest, Inc. (McCaw), AT&T Wireless' paging subsidiary, filed a request for area code numbering relief.¹ The companies asked the Commission to affirm its policy that would allow both wireless providers to acquire additional central office codes in either the (612) or the (651) area code, regardless of the location of their switches, according to customer demand. The companies also asked that the Commission direct the Numbering Plan Administrator to allow McCaw to retain its existing assigned central office codes in the (612) area code. McCaw explained that its mobile switch, unlike those of its wireless competitors, is located in an eastern portion of the (612) area code that is scheduled for transfer to the new (651) area code. If McCaw were not allowed to retain its (612) central office codes, it would be placed at a significant competitive advantage.

On June 17, 1998, the Department filed a letter stating that it had previously erred when it listed MEANS as a company that had failed to comply with the Department's information requests. In fact, MEANS had never received any information request from the Department. The Department asked the Commission to amend or reissue its June 4, 1998 Order requiring MEANS to respond to outstanding interrogatories.

On July 7, 1998, the matter came before the Commission for consideration.

FINDINGS AND CONCLUSIONS

I. THE REQUEST OF AT&T WIRELESS AND MCCAWE FOR PREFIX ALLOCATION RELIEF

For the reasons stated in the Commission's May 15, 1998 Order addressing Aerial's request for numbering relief, the Commission set a policy allowing "...Aerial, and other wireless providers, to obtain prefixes within either the new (612) or the (651) area code, according to customer usage, regardless of where the providers' switches are located." At the request of AT&T Wireless and McCaw, the Commission here reaffirms its previously stated policy. The Commission will also allow McCaw to retain in the current (612) area code some or all of the central office codes it was previously assigned.² Retention of these codes will allow McCaw to continue to serve its customers with their preferred codes and will eliminate the need for the company to immediately request code assignments in the (612) area code.

¹ The June 5 petition replaced an "emergency petition" filed by the same companies on May 18, 1998, then withdrawn on May 28, 1998.

² McCaw has informed Commission Staff that the company wishes to retain seven of its nine assigned prefixes in the (612) area code and to accept the planned reassignment of two of the codes to the (651) area code. The codes retained in the (612) area code would be 648, 650, 880, 640, 660, 579, and 609. The codes reassigned to the (651) area code would be 610 and 629.

II. THE DEPARTMENT'S REQUEST FOR AN AMENDED ORDER

In its June 4, 1998 Order, the Commission, at the request of the Department, ordered five companies to respond to outstanding information requests from the Department. The five companies were: Eckles, MEANS, MPF d/b/a Future Communications, Pagenet, and Sprint Spectrum.

The Department has now discovered that it had not sent information requests to MEANS; that company had therefore not failed to respond to any outstanding Department requests.

Based upon these facts, the Commission will supplement its previous Order to eliminate MEANS from the list of companies required to respond to the Department's information requests.

ORDER

1. The Commission reaffirms its previously stated policy allowing wireless providers to obtain prefixes within either the (612) or the (651) area code, regardless of where the providers' switches are located.
2. The Commission grants McCaw's request to retain in the current (612) area code some or all of the central office codes it was previously assigned.
3. The Commission supplements its June 4, 1998 Order to eliminate MEANS from the list of companies required to respond to the Department's outstanding interrogatories.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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